

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-10 are currently being prosecuted. The Examiner is respectfully requested to reconsider her rejections in view of the amendments and remarks as set forth below.

Rejection under 35 U.S.C. § 112

Claims 1, 8 and 9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner points out that each of these claims only recite a single pouch but discusses a connection between pouches. By way of the present Amendment, Applicant has amended all three of the independent claims to recite at least two pouches. Accordingly, Applicant submits that this indefiniteness has now been removed.

The Examiner rejected claim 6 under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is respectfully traversed.

The Examiner points out that it is unclear whether the delivery means or the connection section has the rear end, front end, and inner bottom. By way of the present Amendment, Applicant has amended claim 6 to specifically recite that the connection head

has these three parts. This claim specifically refers to the embodiment shown in Figs. 6A and 6B. The specification describes this part of the apparatus in the paragraph bridging pages 5 and 6. Accordingly, Applicant submits that claim 6 is no longer indefinite.

Rejection under 35 U.S.C. § 102

Claims 1, 2, and 7-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Rogachevsky (USP 5,752,927). This rejection is respectfully traversed.

The Examiner states that the reference shows an inflation member including at least one pouch having two free ends, a control means, a delivery means, and a fluid generation means. Applicant disagrees that the reference shows all the features of the claimed invention.

Claim 1 includes an inflation member with at least two pouches, a control means mounted to each pouch, a delivery means and a single fluid generation means. In the Rogachevsky device, the control means are not mounted to the pouches, but instead are included in the middle of the tubing or delivery means. Also, the Rogachevsky device does not have a single fluid generation means. Instead, separate pumps are provided for different pouches. By

having the control means mounted to the pouch, it is possible to remove the delivery means and pump from the collar so that it is more comfortable for the user. Also, having a single fluid generation means, the device is simplified. If the user wishes to remove the pump and tubing and take it with him in case the collar needs to be re-inflated, the apparatus is relatively small and can be easily put into a bag or pocket. In the Rogachevsky device, the multiple pumps and tubes take up additional space. In addition, by having the various valves in the center of the tubing, it is necessary that the tubing not be removed. Accordingly, Applicant submits that Rogachevsky has not shown the invention as presently claimed.

Independent claims 8 and 9 describe similar devices and especially includes the control means, which are mounted to pouches and the use of a single fluid generation means. Accordingly, Applicant submits that claims 8 and 9 are allowable for the same reasons recited above with regard to claim 1.

Claims 2-7 depend from claim 1 and claim 10 depends from claim 9, and as such, are also considered to be allowable. In addition, each of these claims recite additional features, some of which are not seen in the reference. Thus, claims 4-6 describe the specific details of the valves, which are not described in the reference.

Accordingly, these claims are considered to be additionally allowable.

Rejection under 35 U.S.C. § 103

Claim 3 stands rejected as either being anticipated by or obvious over Rogachevsky. Claims 4-6 stand rejected as being obvious over Rogachevsky. The Examiner states that these details of the control means would be obvious to one of ordinary skill in the art. However, Applicant submits that even if this is the case, these claims are allowable based on their dependency from allowable claim 1. Furthermore, in regard to claim 6, this particular type of valving arrangement is not seen at all in Rogachevsky and there is no indication of why this type of device would be obvious. If the Examiner persists in this part of the rejection, she is requested to provide a reference, which shows such an arrangement with an inner bottom with a bulged spot formed therein. Accordingly, Applicant submits that these dependent claims are likewise allowable.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patent relied on by the Examiner. In

view of this, reconsideration of the rejections and allowance of all the claims is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s)